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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GEORGE TIAFFAY,

Petitioner

v.

CALVIN JOHNSON, et al.,

Respondents

Case No. 2:20-cv-02257-JAD-EJY

**Order Dismissing Unexhausted Claim
and Setting Briefing Schedule**

[ECF No. 81]

Counseled petitioner George Tiaffay brings this 28 U.S.C. § 2254 habeas corpus petition to challenge his first-degree murder with use a of a deadly weapon, conspiracy to commit murder, possession of burglary tools, conspiracy to commit burglary, conspiracy to commit robbery, and burglary while in possession of a deadly weapon convictions in state court.¹ I granted in part respondents' motion to dismiss, finding that ground 2 is unexhausted, dismissing ground 1 as procedurally defaulted, and instructing Tiaffay to choose one of three options for proceeding in this case.² Tiaffay filed a declaration indicating his desire to abandon the unexhausted ground for relief and proceed on the exhausted grounds.³

Accordingly, IT IS ORDERED that

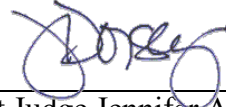
1. Tiaffay's request to voluntarily dismiss ground 2 is **GRANTED**. Ground 2 is **DISMISSED without prejudice** as unexhausted.
2. **Respondents have until May 31, 2024, to answer** Tiaffay's remaining claims for relief. In the answer, respondents must specifically cite to and address the applicable state court written decision and state court record materials, if any, regarding each claim within the response to that claim.
3. **Tiaffay will have 30 days** from the date of service of the answer to file a reply.

¹ ECF No. 31.

² ECF No. 77.

³ ECF No. 81 at 3–4.

1 4. Any additional instructions stated in the July 2021 scheduling order remains in
2 effect.⁴



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5 U.S. District Judge Jennifer A. Dorsey
6 April 24, 2024
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28 ⁴ ECF No. 19.